

## **REMARKS/ARGUMENTS**

### **Amendments**

Before this Amendment, claims 1 – 38 were present for examination. Claims 1, 14 – 16, 18 – 27, and 33 – 38 are amended. No claims are canceled or added. Therefore, claims 1 – 38 remain present for examination, and claims 1, 14, 27, and 33 are the independent claims. No new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended.

The Office Action has rejected claims 1, 5, 14, 19, 27, and 33 under 35 U.S.C. §112, first paragraph, as introducing new matter not supported by the original specification or claims. The Office Action has rejected claim 1 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Office Action has rejected claims 1-6 and 8-10 under 35 U.S.C. §102(b) as being anticipated by the cited portions of U.S. Patent No. 6,353,437 to Gagné (hereinafter “Gagné”). The Office Action has also rejected claims 7 and 14-23 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Gagné in view of the cited portions of U.S. Patent No. 5,764,980 to Davis et al. (hereinafter “Davis”). The Office Action has also rejected claims 11-13 and 24-26 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Gagné in view of the cited portions of Davis and further in view of the cited portions of U.S. Patent Publication No. 2004/0225608 to Gardner et al. (hereinafter “Gardner”). The Office Action has also rejected claims 27-38 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Gagné in view of the cited portions of U.S. Patent No. 6,747,650 to Turner et al. (hereinafter “Turner”).

### **Claim Amendments**

Claim 1 is amended at least to clarify that embodiments allow multiple users (e.g., animators around the globe) with different authorizations to collaborate on animation projects over a network through one or more host systems, while preserving certain object dependencies. Support for these amendments are found throughout the specification, for example, at ¶¶ [0167] and [0168].

Claim 14 is amended at least to recite “assigning the at least one individual task to a second artist from the available artists *at least partially as a function of a nationality or a geographic location of the second artist with respect to a national law or an international treaty*, wherein the second artist is associated with a second computer....” Support for these amendments are found throughout the specification, for example, at ¶¶ [0102] and [0128].

Claims 27 and 33 are amended at least to clarify that dependencies are used to affect collaborative design of digital animation content. Support for these amendments are found throughout the specification, for example, at ¶¶ [0167] and [0168].

Claims 15, 16, 18 – 26, and 34 – 38 are currently amended substantially to correct antecedent basis. These amendments are procedural only and have no effect on the scope of the respective claims.

### **35 U.S.C. §112, ¶ 1 Rejection**

Claims 1, 5, 14, 19, 27, and 33 are rejected under 35 U.S.C. §112, first paragraph, as amended, for allegedly introducing new matter not supported by the original specification or claims. Particularly, the Office Action considers the following as new matter:

Claim 1: “the host system”; “comprise a first subset of computers”; “digital content”

Claim 5: “A plurality of the computers”; “a multi-user computer”

Claim 14: “second artist is associated with a second computer”; “receiving a modified digital content object from the second computer”

Claim 19: “second artist”

Claim 27 and 33: “digital content”

Claim 31: “newly added claim language or language to support claim 31”

Embodiments of the Global Animation Studio (GAS) include “an infinitely scalable array of animation shops and independent artists networked together through a series of protocols to act, in effect, as a single united studio.” Specification, ¶ [0100]. For example,

artists from around the world use a distributed network of computers to share resources and collaborate on animation projects. In one embodiment, “Applicant animation artists access a website hosted on the web servers of the GAS that is designed to recruit, test, and classify the expertise of each applicant artist.” Specification, ¶ [0115]. Some further embodiments of networking systems and communication of digital content are described in the present specification at paragraphs [0163] – [0166].

It is clear from the present specification that embodiments of the GAS use a computer network (i.e., one or more host systems that link together pluralities of computers) to communicate digital animation content between various artists using their respective networked computers. As such, one of skill in the art would understand the specification as supporting “the host system,” “comprise a first subset of computers,” and “digital content,” as recited in claim 1; “[a] plurality of the computers” and “a multi-user computer,” as recited in claim 5; “second artist is associated with a second computer” and “receiving a modified digital content object from the second computer,” as recited in claim 14; and “second artist,” as recited in claim 19; “digital content,” as recited in claims 27 and 33. The phrase “used by a prequalified subset of the available artists” is no longer in amended claim 1, making any rejection of that phrase moot.

For at least these reasons, Applicants respectfully request withdrawal of the § 112 ¶ 1 rejections to claims 1, 5, 14, 19, 27, and 33. Moreover, Applicants respectfully request withdrawal of the apparent § 112 ¶ 1 objection to claim 31 on grounds that the claim was present, verbatim, in the originally filed set of claims and cannot, therefore, present new matter.

### **35 U.S.C. §101 Rejection**

Claim 1 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Apparently, the Office Action takes issue with claiming a method step that it alleges is performed by a human being. While Applicants traverse this ground of rejection, claim 1 is currently amended in furtherance of prosecution. Specifically, claim 1 is currently amended to recite “one of the first subset of computers receives a selection from a member of available artists....”

Applicants respectfully request withdrawal of the § 101 rejection to claim 1, as the rejection is moot in light of the current amendments to claim 1.

**35 U.S.C. §102/§103 Rejections**

**Claim 1**

The Office Action has rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Gagné. The Federal Circuit recently reaffirmed that “unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to ... anticipate under 35 U.S.C. § 102.” Net MoneyIn v. Verisign (Fed. Cir. 10/20/08). Applicants, however, believe that Gagné fails to teach or suggest all the limitations arranged or combined in the same way as recited in the independent claims.

Specifically, Gagné cannot be relied upon to teach or suggest a host system configured to (1) “interface, via a plurality of computers, with a first group of users and a second group of users, the first group of users being authorized to modify at least a portion of the pool of reusable characteristics, and the second group of users being authorized to develop a character or feature for a digital animation project by using reusable characteristics from the pool of reusable characteristics without modifying the reusable characteristics”; (2) “receive a change to a first character or feature of the digital animation project from a member of available artists via a computer located remote from the host system and in operative communication with the host system over a network, the member being one of the second group of users”; (3) “audit the change to the first character or feature to determine whether at least one reusable characteristic from the pool of reusable characteristics defines a dependency between the change and a second character or feature of the animation project”; and (4) “when the host system determines that at least one reusable characteristic from the pool of reusable characteristics defines a dependency between the change and a second character or feature of the animation project, notify the computer of the dependency and provide the computer with access to the second character or feature of the animation project,” as recited in claim 1.

For example, according to the recitations of claim 1, an animator is authorized to develop an animated chair for an animated feature. An animation administrator (e.g., from the first group of users) has created a reusable characteristic that defines a dependency between various chair objects and a floor object, all being developed by various other animators. The animator tries to develop the animated chair without data relating to the floor object. The host system may audit the development of the animated chair, determine that the animator is not properly accounting for the dependency on the floor object, notify the animator of the dependency, and provide the animator with access to the floor object. This may allow for substantially seamless integration of the animated chair with other objects (e.g., other chair objects, the floor object, etc.) in the animated feature.

Gagné seems to generally discuss defining animation object parameters, where a single animator is working on a single animation object. While Gagné does mention object dependencies, Gagné apparently does not contemplate a network of users having different types of authorization and interaction with the dependencies. There is nothing in Gagné that would prevent the animator working on an object to modify all its dependencies. Thus, it is unreasonable to construe Gagné as teaching, or even suggesting, recitations of claim 1, including those enumerated above. For at least these reasons, the Office Action fails to establish a *prima facie* case of anticipation as to independent claim 1, and Applicants respectfully request that the §102 rejections to claim 1 be withdrawn.

#### Claim 14

The Office Action has rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Gagné in view of Davis. To establish a *prima facie* case of obviousness, the cited references, combined with the knowledge of those of ordinary skill in the art, must teach or suggest all the claim limitations. Applicants respectfully traverse this rejection at least because the combination of Gagné, Davis, and ordinary knowledge in the art fails to teach or suggest all the recitations of claim 14.

Specifically, neither Gagné nor Davis can be relied upon to teach or suggest “assigning the at least one individual task to a second artist from the available artists at least partially as a function of a nationality or a geographic location associated with the second artist and a national law or an international treaty,” as recited in claim 14. The Office Action does not appear to provide any specific teaching or suggestion of this recitation from Gagné, Davis, or any other art, or any reason why this recitation would be within the knowledge of a person of ordinary skill in the art. As such, the combined teachings of the art, as cited by the Office Action, fail to establish a *prima facie* case of obviousness as to independent claim 14, and Applicants respectfully request that the §103 rejections be withdrawn.

Claims 27 and 33

The Office Action has rejected claims 27 and 33 under 35 U.S.C. §103(a) as being unpatentable over Gagné in view of Turner. To establish a *prima facie* case of obviousness, the cited references, combined with the knowledge of those of ordinary skill in the art, must teach or suggest all the claim limitations. Applicants respectfully traverse this rejection at least because the combination of Gagné, Turner, and ordinary knowledge in the art fails to teach or suggest all the recitations of claims 27 and 33.

Specifically, neither Gagné nor Turner can be relied upon to teach or suggest “in response to a change in the at least one first characteristic during development of an animation object on a computer, sending notification to the computer indicating the dependence of the at least one first characteristic on the at least one second characteristic,” as recited in claim 27. Claim 33 includes a similar recitation. As discussed above with reference to claim 1, and as correctly admitted in the Office Action, Gagné does not disclose object dependencies.

The Office Action apparently relies on Turner, instead. Office Action, p. 19 (citing Turner, col. 1, ll. 38 – 47; col. 2, ll. 6 – 11). Even if the cited portions of Turner are construed as teaching dependencies, the dependencies are clearly used only to affect visualization of objects. For example, when two objects share a common characteristic, the

visualization of the objects can be optimized according to that common characteristic. This is different from using the dependencies to affect collaborative design of animation objects.

For at least these reasons, both Gagné and Turner fail to teach or suggest the recitations of claims 27 and 33. Further, the Office Action does not provide any teaching from other art or reason why this recitation would be within the knowledge of a person of ordinary skill in the art. As such, the combined teachings of the art, as cited by the Office Action, fail to establish a *prima facie* case of obviousness as to independent claims 27 and 33, and Applicants respectfully request that the §103 rejections be withdrawn.

#### Dependent Claims

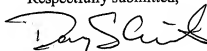
For at least the above reasons, Applicants submit that independent claims 1, 14, 27, and 33 are allowable. Applicants further submit that claims 2 – 13, 15 – 26, 28 – 32, and 34 – 38 are allowable at least because of their dependence from allowable base claims. As such, the cited art fails to establish a *prima facie* case of anticipation or obviousness as to the dependent claims, and Applicants respectfully request that the § 102 and § 103 rejections to all the claims be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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